

California Environmental Protection Agency

Advisory Committee

on

Environmental Justice

Meeting

~ June 17, 2002 ~
Oakland, California

MEETING NOTES

Present:

- Co-Chair: Dee Allen – City of Los Angeles, Department of Environmental Affairs
- Co-Chair: Diane Takvorian – Environmental Health Coalition, San Diego
- Michael Dorsey – San Diego County, Department of Environmental Health
- Robert Harris – Pacific Gas & Electric Company, Environmental Affairs (PG&E)
- Bill Jones – Los Angeles County Fire Department
- Jim Kennedy – Contra Costa County, Redevelopment Agency
- Barbara Lee – Northern Sonoma County Air Pollution Control District
- Joseph Lyou – California League of Conservation Voters Education Fund (CLCV)
- Carlos Porras – Communities For Better Environment
- Cindy Tuck – California Council for Environmental Economic Balance (CCEEB)
- Barry Wallerstein – South Coast Air Quality Management District (AQMD)
- Eva Camacho-Vasquez – United Farm Workers of America

Not Present:

- Cynthia McClain-Hill - McClain Hill & Associates

Advisory Committee on Environmental Justice Meeting - June 17th, 2002

- Co-chair, Diane Takvorian calls **meeting to order**
- **Opening Remarks** - Nancy Sutley, Deputy Secretary for Intergovernmental Affairs, Cal/EPA
- **Agenda Review** – Romel Pascual, Assistant Secretary for Environmental Justice, Cal/EPA & Designated State Officer (DSO) for the Advisory Committee
 - **Expectations for the Day**
 - Discussion of the consideration of Advisory Committee expansion
 - Discussion of the Environmental Justice (EJ) Strategy Elements
 - **What Happened Last Meeting – May 17th, 2002 (Los Angeles, CA)**
 - Adopted By-Laws
 - Elected Advisory Committee Co-chairs (2):
 - Dee Allen (City of Los Angeles, Environmental Affairs Department)
 - Diane Takvorian (Environmental Health Coalition, San Diego)
 - Discussed potential expansion of Advisory Committee
 - Deferred discussion EJ Strategy Elements
 - **Introduction of Co-chair, Diane Takvorian**

- **Advisory Committee Brief Introductions -**
- **D. Takvorian – Meeting Logistics**
 - Welcome Public & Other State Agencies
 - Co-chairs will alternate facilitation of today's meeting and future meetings
 - Will ask for public comment after staff presents item

Agenda Item #1 – Proposal of Expansion of the Advisory Committee¹

The Advisory Committee will consider of the incorporation of Tribal and additional community representation into Committee. A proposal developed by the Protocol Group (Co-Chairs and DSO) for full Committee discussion at the June 17, 2002, Advisory Committee Meeting.

Distributed Background Information on Agenda Item #1

- At May 17th & 18th, 2002, meetings the Advisory Committee and Interagency Working Group² (Working Group) heard concerns related to the need to expand the Committee to include:
 - More representation from community-based environmental justice organizations;
 - The addition of tribal representation
- Based on public comments heard, the Advisory Committee and Working Group agreed to explore options to include more representation of community-based environmental justice organizations and tribal government representation and tasked the Protocol Group to develop a proposal to address this issue for full Advisory Committee discussion at the June 17, 2002, meeting.
- The Advisory Committee Protocol Group:
 - Advisory Committee Co-Chairs
 - Designated State Officer (Cal/EPA Assistant Secretary for Environmental Justice)
- The Protocol Group conducted a conference call on May 22, 2002 to draft the proposal for full Advisory Committee discussion.
- On June 17th, 2002, at the Cal/EPA Advisory Committee on Environmental Justice meeting in Oakland, the Advisory Committee will discuss, make recommendations and submit a final proposal to expand the Advisory Committee to the Secretary of the Cal/EPA.

¹ Public Resources Code Section 71114 requires the Secretary of Cal/EPA convene an advisory committee on Environmental Justice. The statute requires that the Secretary appoint members from the following categories: two representatives of local or regional land use planning agencies; two representatives from air districts; two representatives from certified unified program agencies (CUPA's); two representatives from environmental organizations; three representatives from the business community (one from a small business and two from a large business); and two representatives from community organizations

² Pursuant to the Public Resources Code Section 71113, the Interagency Working Group will assist the California Environmental Protection Agency in developing an agency wide strategy for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice. The working group shall be composed of the Secretary for Environmental Protection, the Chairs of the State Air Resources Board, the California Integrated Waste Management Board, and the State Water Resources Control Board, the Director of Toxic Substances Control, the Director of Pesticide Regulation, the Director of Environmental Health Hazard Assessment, and the Director of Office of Planning and Research.

Proposal to Enhance Committee Representation

Proposed Committee Members

- One Community-based environmental justice organization from Northern California
- One Tribal representative

Role of Additional Committee Members

The Advisory Committee was established under the Public Resources Code Section 71114. In order to expand the membership of the Advisory Committee, new legislation will need to be adopted. In the absence of the necessary legislation, the Advisory Committee will explore the option to amend its By-Laws to increase the representation of additional sectors, not outlined in the current Public Resources Code Section 71114.

The proposed roles of the additional committee members are:

- Ex-Officio members
- Full participation rights as outlined in the Advisory Committee By-Laws
- No voting capacity (until new legislation is adopted)

Process for Selection of Additional Committee Members

The California Environmental Protection Agency (Cal/EPA) will pull from the list of prior applications in addition to the solicitation of new nominations. Consistent with the selection process of the Advisory Committee as outlined in Public Resources Code Section 71114, the Secretary of Cal/EPA will appoint the members of the committee. It is anticipated that the new members of the committee will participate at the subsequent (after June 17, 2002) meeting of the Advisory Committee.

- **Interagency Work Group (composed of):**
 - Secretary of the California Environmental Protection Agency (Cal/EPA)
 - Director of the Governor's Office & Planning & Research (OPR)
 - Six Heads of Cal/EPA's Boards, Departments, and Office (BDOs):
 - Air Resources Board (ARB)
 - California Integrated Waste Management Board (CIWMB)
 - Department of Pesticide Regulation (DPR)
 - Department of Toxic Substances Control (DTSC)
 - State Water Quality Resources Board (SWQRB)
 - Office of Environmental Health Hazard Assessment (OEHHA)
- **Protocol Group (composed of):**
 - Advisory Committee Co-Chairs and Designated State Officer (DSO)

Staff Presentation of Agenda Item #1 – Proposal of the Expansion of the Advisory Committee

- **R. Pascual (Designated State Officer, DSO)**
 - At May 17th & 18th Environmental Justice Meetings in Los Angeles, the Advisory Committee heard public comment which requested the consideration of the Advisory Committee to expand to include:
 - More representation of the community group sector and;
 - Addition of tribal sector representation
 - Interagency Working Group & Advisory Committee tasked the Protocol Group to develop a proposal to expand the Advisory Committee

- **R. Pascual**

- The Protocol Group developed a proposal based on the May 17th & 18th public comment periods which suggested the necessity to include more community group representation and the addition of tribal representation
- Representation from the northern California area is lacking within the current body of the Committee; it is proposed that the community based environmental justice representation would come from northern California
- Tribal representation does not exist within the Advisory Committee
- Legislation is needed to expand the committee
- In absence of legislation, the Committee looked at ways to include additional representation on the committee
- The added Committee representatives would function in an ex-officio capacity
- Ex-officio capacity would permit the new members all functions of the Advisory Committee except voting rights until legislation is passed to expand the Committee
- Basis of proposal of ex-officio Advisory Committee representation is to ensure these sectors are represented and participating as soon as possible
- The process of selection for added Committee members would be consistent with first process Advisory Committee selection
- Many applications from throughout California were received in the first selection process, those applications will be considered again
- The Secretary of Cal/EPA will appoint new membership as outlined in the environmental justice legislation

Staff Outreach Update

- R. Pascual had an informal meeting with northern California community members last week
- The northern California group suggested a proposal that would add:
 - 3 community environmental justice organization representatives (2 seats which would be filled by African-Americans),
 - 2 rural representatives, and
 - 2 tribal representatives;
- We should hear more about that proposal later today

Questions – Agenda Item #1

- **B. Wallerstein**
 - Senator Escutia has already introduced legislation to do precisely this (Protocol Group developed) proposal
 - What process was used or how did that come about?
- **R. Pascual**
 - Staff shared some articles such as *Inside Cal/EPA* with Senator Escutia that discussed the expansion of the Advisory Committee and spoke of the discussion by the Advisory on May 17th to expand the committee
 - I believe Escutia's office made the decision to go ahead and draft up the language
 - Staff sees this (draft legislation) as an opportunity to have draft language in mid legislation, a placeholder for more appropriate language to come from the Advisory Committee
- **D. Takvorian**
 - Escutia's office understands:
 - About what this committee does
 - Whatever action that does get taken would be communicated to her office
 - We would encourage them to alter the legislative amendment to reflect what this committee is recommending, at least that was my understanding

- **J. Lyou**
 - I think the bill is up today, right? I don't know how we'll get around it but I'm sure we'll find a way, right?
 - For the sake of public comment, there's a difference between what we recommend the Secretary to do versus what we recommend in legislation
 - We might recommend a northern California representative on the committee to the Secretary but in legislation there is no geographic limits on things
- **D. Takvorian**
 - If there's a recommendation, then I want the Advisory Committee to house a full understanding of public sentiment on the recommendation
- **M. Dorsey**
 - Is today's discussion going to be based on the addition of one tribal and one northern or proposal of the Northern California community representatives R. Pascual mentioned before?
- **D. Takvorian**
 - The item for discussion on the table is the proposal from the Protocol Group, which is:
 - Addition of the one (1) northern California environmental justice community group representative and;
 - Addition one (1) tribal representative
 - This proposal may be amended but this is the item for discussion today

Public Comment – Agenda Item #1

- **Dr. Henry Clark (West County Toxics Coalition & National African American Environmental Justice Network, Richmond)**
 - Here to discuss the proposal presented by Cal/EPA
 - Was unable to attend the last committee meeting but a representative, Dr. Louis Berryman, from our organization was able to attend and voice our concerns
 - Our position is that the committee structure was not appropriate initially:
 - Committee did not include specific needed representation
 - This oversight should not have occurred
 - Concern about there is no African-American environmental justice community representation on the Committee; this is a travesty of environmental justice
 - This was a major oversight in the committee structure
 - The African-American people have played a big role in pioneering environmental justice in California and throughout the United States
 - So, to not have anyone on the committee representing the Afro-American environmental justice community was an oversight
 - So, I ask the question, what is environmental justice to those who selected the Advisory Committee?
 - Because there isn't a EJ category in the Advisory Committee
 - We have a proposal:
 - 2 Tribal seats; 1 northern and 1 southern
 - 3 EJ Seats; Northern, Central and Southern California – Two should be seated by African-Americans,
 - 2 Rural seats; Northern and southern
 - Proposed total of 7 additional seats on the Advisory Committee
 - Also, should have someone representing the labor community
 - We hope you take our proposal into consideration

- **D. Takvorian**
 - Dr. Clark, can I just be sure that I have it (the proposal) correct?
 - In the environmental justice category, there will be three seats - one for northern, one central, and one southern – two of the seats should be seated by African-American and one other person of color?
- **Dr. Clark**
 - They could all three be filled by African-Americans, but at least two African American seats
- **D. Takvorian**
 - And then for the tribal, one northern, one southern
- **Dr. Clark**
 - That's correct.
- **D. Takvorian**
 - Okay, then. Your recommending a total of 5 additional seats
- **Dr. Clark**
 - You left out the rural seats
- **D. Takvorian**
 - Okay, there's rural category – north and south?
- **Dr. Clark**
 - Yes, a rural category, north and south. Which is seven.
- **D. Takvorian**
 - Okay. Are you saying the seven seats in addition to the seats that are currently on the committee? Or are you including them?
- **Dr. Clark**
 - No, this is not relating to those that are already on there
 - You don't have an environmental justice category at all, you have an environmental category
 - There is a distinction between environmental justice groups and environmental groups
 - So, the proposal is 3 environmental justice seats, 2 tribal seats, and 2 rural seats so that's in addition, that's 7 additional seats under those categories that I just stated
- **Cindy Tuck**
 - Are you aware that there are two community slots, which are supposed to be environmental justice community slots? And there's additionally two environmental slots, which are separate?
- **Dr. Clark**
 - Yes, I'm aware of the two community slots and I'm aware of the two environmental slots that you are referring to;
 - However, the people designated in those categorical slots - there's some question to the perception of those individuals representing a community group or not.
 - The whole thing started off as limited and wrong in our perception
 - The proposal that we have put forth today, we feel would add some sense of real meaningful environmental justice to this community and we can make environmental justice real in California
- **D. Takvorian**
 - So, if there aren't any other questions? Thank you, Dr. Clark.
- **Dr. Clark**
 - Thank you
- **D. Takvorian**
 - Hello. Welcome.

▪ **LaVonne Stone (Fort Ord Environmental Justice Network, Fort Ord)**

- I concur with Dr. Clark
- We need a category for EJ justice, with rural and Native American category
- It was hard to find this room
- We have large area of places that are underrepresented
- The Monterey Bay is underrepresented, and San Jose, Salinas, Monterey, Fort Ord, Seaside, Watsonville, Santa Cruz, Sand City and I can go on;
- So, I try to make it my business to be here; because it's very important what's happening in these communities
- No one has a clue
- In order to hear about the situations in these communities, and to adequately address them, they must be represented in some fashion
- There is a severe need that needs to be met. Dr. Clark laid out what was needed.
- I hope you're going to stand by the proposal Dr. Clark made
- If we're really going to go forward in this State and really do what this body has been mandated, and what environmental justice itself is mandated to do, since even before 1994, before the Executive Order
- The reason we're talking about African-Americans is because most of the communities are very severely underrepresented
- I don't know how we got to the state we're in, but it needs to be corrected
- Children are dying
- That little girl that we talked about died; her picture was in the newspaper from brain stem cancer that they call a tumor
- When people got sick, in the newspaper they said that a toxic cloud traveled here from China. How come no one else knew about it?
- But there was a small article in the newspaper; our regulators are not taking seriously what is happening to us
- They say, oh, we don't know. Then who's investigating? "I don't know" is not good enough
- There are salaries being paid and we expect more, much more than what we're getting
- So, I just want to let you know the seriousness of the situation
- And I know people are saying that we're doing the best we can
- But we don't feel that, we feel that there is more that can be done
- And if the best is not meeting our needs then we need to be able to help each other

▪ **Ethel Dotson (Communities for a Better Environment, Richmond)**

- I support the proposal by Dr. Clark and what was stated by LaVonne
- It is unconscionable what is happening
- You really need more than seven (seats)
- I live in Richmond and we just found out, I know Cal/EPA know about this, because I have looked at some of the documents by the Department of Toxics, we're just now finding out, that in March we were exposed to sulphuric acid – all the suburbs around the Stouffer Chemical Company at that time called Seneca, and the housing projects were built on top of a whole bunch of toxics
- We're just now finding out
- From 1944 to March 2002, we have been on the fence line
- So, you definitely need to expand this committee, you really need to expand this by more than seven people
- People are dying
- It's ridiculous what has happened to us
- They used us as guinea pigs

▪ **Ena Aguirre (C.I.C, San Francisco; Tracy)**

- As to the number of seats, and to the composition of that I would like to talk about that later after you (Committee) all discuss it because my concern... actually, is it's very difficult for me to discuss an issue and come to a rational educated conclusion when I don't even know what the composition of this committee really is
- I have never seen it provided for example, how many people are Anglo, how many people are African-American, and how many are Asian-Pacific, etc
- If I don't have that kind of information with me it's difficult to really rationally discuss what is the best need in terms of membership
- The number of people that should be members, additional members, that again with the exception of the Native American representation, which I really think that, was an oversight.
- In terms of other memberships, I think there might be enough or maybe someday the committee can be expanded
- I would like to find out in terms of the discussion, I had no idea that there was a meeting last week, where different organizations were invited to make a presentation
- I think this committee really has to learn to do things about the word, then to be as transparent as you possibly can – where if you're inviting one organization to come to a meeting, or somehow the word goes out, then I think anybody who comes to this meeting should get the same information, so that may in fact participate with you
- Volunteerism is not something that you're invited to do; volunteerism is something that if you know the information, you can participate
- I happen to belong to a number of groups in Bayview Hunters Point
- I am a member of Health Environment Resource Center which is an environmental organization, and we have given ourselves a mandate especially since pediatric asthma is really a problem in Bayview;
- I suggest you do not make a decision today
- Most of us don't know, I don't know what the composition of this board is. Not knowing the composition, it's difficult to make a recommendation as what it should be
- Transparency is very important
- I would like to see the sign-in sheet of who attended last week's meeting
- I didn't know that there were environmental groups were in this meeting
- I was sick so I may not have gotten this information from the meeting

▪ **D. Takvorian**

- Thank you. When we finish with public comment, I would like to review the composition of the committee and also talk about how the Northern California meeting came about
- Any other comments from the public?

▪ **Bhavna Shamasunder (Urban Habitat, Oakland)**

- If there's two seats added, and those seats don't have voting power, what is the timeline for then they will have voting power?

▪ **D. Takvorian**

- My understanding is without a legislative amendment that this committee doesn't have the authority to give any additional seats,
- That's why we're looking for a legislative mechanism to move forward whatever recommendation comes out of this committee to make those fully authorized seats, so they would have voting powers

▪ **B. Shamasunder**

- So, would there be some kind of mechanism so the people who did get those seats that their ideas would still get incorporated

- **D. Takvorian**
 - In the Protocol Group we talked about having those members operate as ex-officio members and they would be at the table and be operating just like all the other members
 - They would vote so we would know what their perspectives are, but as we understand it, they would not be able to vote until the legislative change occurs
- **B. Shamasunder**
 - If that change occurs, is there some kind of way that community groups can be informed about that process?
- **D. Takvorian**
 - Sure.
- **B. Shamasunder**
 - Currently there is only 15% of this body are environmental justice groups
 - Taking Dr. Henry Clark's recommendation to add seven seats, this committee would be 50% environmental justice
 - So, I would strongly encourage to add seats
 - This body should be at least 80% environmental justice
- **Karleen Lloyd (PUEBLO, Oakland)**
 - What is the timeline on the legislative amending?
- **R. Pascual**
 - There is current legislation (a placeholder) that is being considered on the expansion of the committee putting in one community and one tribal representative. There is an opportunity to amend that legislation to reflect what could out of this discussion.
 - If we were to wait another year for the new cycle, we would have to wait another year.
- **K. Lloyd**
 - So, you're trying to move for this year?
- **R. Pascual**
 - The optimal is to make sure we get them on board as soon as possible – as ex-officio members or legislatively official members
- **K. Lloyd**
 - I support Dr. Clark's recommendation for 7 additional members, 3 being environmental justice, 2 rural, and 2 tribal – 2 seats should be occupied by African-American members
 - We are diverse in our communities, cultural diversity is important
 - If we truly want to look at what the intent of environmental justice is in our community, and address racism, it makes sense to expand the committee beyond existing recommendation of adding the 2 seats
 - I support Dr. Henry Clark and gave some rationale behind it
 - While there are African-Americans on the committee; there aren't any African-Americans from the community
- **D. Allen**
 - Want to clarify Dr. Clark's recommendation, is that three EJ seats from urban; two EJ from rural?
- **K. Lloyd**
 - Yes. That thinking came out of the last meeting in southern California; there were people there that said they were from San Joaquin County
 - We believe the framework for environmental justice is racism and classism; we deal with our problems differently. Different people face their problems differently. We should look at the geographic selection of our committee

- **B. Wallerstein**
 - Thought it would be helpful to outline the legislative process and the difference between an urgency measure and a normal measure, when it takes affect, the level of vote that is required to obtain passage
 - I think this is an extremely important issue; and why I don't think the current vehicle that has been introduced is not the right vehicle
 - And given that the environmental justice movement has its roots in the Civil Rights movement, my perspective, when we talk about having members who are not voting members, we need to try to have whoever is being added to this committee have the right to vote as soon as possible
- **D. Takvorian**
 - I'd like to make sure we finish public comment then ask to have it added to the other clarifying comments we need to make
 - Is there anyone else who would like to speak from the public?
 - Thank you all from the public for speaking
- **N. Sutley**
 - The Legislature is session until August 31st, 2002
 - This is the second year of a two-year session so once they leave at the end of August they start all over again
 - They have a organizational meeting in December and then the Legislature returns for the next session in January, 2003
 - Urgency versus a regular measure – Any measure that is passed in this legislative year takes effect on January 1 of the following year unless it's an urgency measure
 - Urgency measure takes effect immediately but needs a 2/3 vote
 - Where we are in the process - Most bills being considered have already gone through one house and are in the process of going through the second house but there is still opportunity with cooperation from members to have bills amended up until the end
- **B. Wallerstein**
 - If there is a strong desire, which is my desire, to have any additional members operating on a full level including the ability to vote then the vehicle that is necessary is a urgency measure which requires a 2/3 vote
 - Otherwise you would have to wait until January on the presumption that you would have a standard piece of legislation go through that would add them formally to the Committee
- **J. Lyau**
 - Just wanted to let the public know; the specific legislation that the proposal has been amended to now is a bill by Senator Martha Escutia – SB 1542. The staff person for that bill is Wendy Umino (916) 327-8315. There will be a vote on that bill today in committee
 - These bills are moving pretty quickly
- **D. Takvorian**
 - Romel, can you comment on the current committee composition and on the meeting in Northern California with the environmental justice groups?
- **R. Pascual**
 - The current make-up of the committee, there is a bill that was introduced Martha Escutia – SB 89 which defined the categories of the committee
 - We currently have 2 members representing community organizations, 2 members representing environmental organizations, 3 business seats, two large, one small, 2 planning agencies, 2 CUPAs, and 2 air districts
 - Total 13 members

- **B. Wallerstein**
 - I think there is a misunderstanding about what some of the members of this Committee do
 - I think the members of the community in the audience should be given a chance to know about the community members currently on this committee and what they do
 - I think it's important that we share this information again, in terms of what is being done on environmental justice
- **D. Takvorian**
 - We'll do that a little later to ensure that folks are clear about what our mission is
- **R. Pascual**
 - The biographies of the committee members are in everyone's informational packet
- **D. Takvorian**
 - We should take 2 sentences to introduce the Committee to clarify
- **R. Pascual**
 - The meeting we had a couple weeks ago in Northern California, was called by one of the northern California community groups that attended the Los Angeles meeting as a follow-up, to discuss the committee expansion
 - We went through what the committee would be considering for today – 1 community and 1 tribal and it was suggested that there would be an opportunity for public comment
 - Staff encouraged folks to provide testimony
- **B. Lee**
 - This was a meeting held by the DSO and not by this committee
 - I had the impression that the commenter who made the observation that some people got a private office with this Committee and that's not the case
- **R. Pascual**
 - No.
- **C. Tuck**
 - Would it be helpful that if such meetings were to take place that the Designated State Officer (DSO) could let the committee know when those meetings occur? As FYI. Especially when their related to committee meetings
- **R. Pascual**
 - Sure.
- **D. Takvorian**
 - Let's go over what the members do and represent
- **J. Lyou**
 - I am part of a non-profit public interest organization
 - The mission is to make underrepresented voices heard and environmental policy making
 - We work primarily on statewide issues regarding environmental justice policies and are involved very heavily in the Air Resources Board's environmental justice policies and the implementation of those policies; and other air, toxic and public health, environmental justice issues
 - We're based in Los Angeles and we network primarily with southern California consistencies
- **E. Vasquez-Camacho**
 - I'm a community representative
 - United Farm Workers is celebrating its 40 year anniversary; founded by Caesar Chavez
 - We are a labor union
 - This organization has done a lot with the treatment of workers outside in the fields and pesticides and the treatment of the impact on consumers
 - I have been doing community work for about ten years, I have worked in local government

- **C. Porras**
 - I am the executive director of a non-profit organization – Communities for a Better Environment (Oakland, and Huntington Park-along the Alameda Corridor in Los Angeles)
 - CBE has been around for 25 years
 - The group originally lobbied around toxics and urban communities. It was much more policy-oriented work.
 - The organization has transformed over the last ten years into a more community based effort to develop community grassroots leadership
 - 50% of our Board of Directors are members that come from impacted communities; so they are given a role of leadership authority
 - We are predominantly 70%-80% people of color as an organization
- **D. Takvorian**
 - 22 year old environmental justice organization
 - Our work comes from communities of color in San Diego and Tijuana
 - We have an office in Tijuana also
 - The work we do in Mexico is around globalization and trade; we are working in colonias that are effected by predominately US corporations that are violating labor laws and environmental laws and spreading toxic pollution to Baja California, Mexico
 - In San Diego, we work with predominantly Latino communities but also African-American communities that are the places that most of the toxic pollution, air, water occurs
 - Majority of Board and staff are people of color; the majority of our Board come from the communities that we work in
 - Why don't we discuss the recommendation that has been made by the Protocol Group and include any comments that have come from the public; and those who supported that proposal
- **B. Lee**
 - Romel, I am not familiar with the development of the legislation that ultimately led to the formation of this committee; what was the rationale that went into designated the original committee membership of 13 slots and why it was created by how it was made up by
- **R. Pascual**
 - I wish Nancy was here because that was before my time; but I will ask a committee member to shed more light, perhaps Cindy can shed more light
- **C. Tuck**
 - CCEEB supported SB 89 as it went to the governor creating the (Interagency) Working Group and the Advisory Committee and we were involved in that process
 - The discussion at the Legislature was that it would be to ensure that there was balance in the committee.
- **B. Wallerstein**
 - Can staff give us additional insight as to what the Secretary is looking for in a recommendation from this Committee
 - Was the Secretary anticipating that the Committee would have diverse viewpoints relatively, balanced numbers of individuals from those diverse viewpoints, and that the desire was to give a set of recommendations upon which consensus had been formed around the discussions by the committee, or
 - Was the Secretary expecting to hear from the community members and EJ organizations as to what was their priority list of recommendations with some lesser level of input from the other participants into the policy

- **R. Pascual**
 - In my conversations with the Secretary, he wanted the committee to take into consideration what the committee expansion could look like and while getting options from the community
 - So, this group will function as a conduit of the public
 - We wanted to ensure balanced representation and we're responding to environmental justice community
 - He takes the recommendation from this group very seriously
- **C. Porras**
 - Let's comment briefly on the model being used in developing the committee
 - Escutia represents the community that I live and work in southern California
 - I believe the work we've taken on in the area motivated Senator Escutia to address the need for some type of committee that would look specifically at the vulnerabilities of communities of color and low-income communities
 - The Senator probably looked at the national model
 - This is the model that high level policy makers and thinkers think is necessary in order to bring stakeholders together to try to hammer out some consensus around some issues and other related problems in communities of color
 - The model was crafted to bring a regulatory, labor, and community members to a committee
 - Provides a venue for discussion
 - I encourage the audience to examine what could come out of this community
 - I think we can bring a lot of issues forward to the State of California but as far as direct relief for our communities, that will require our persistent struggle in the streets
- **B. Wallerstein**
 - I would like to hear discussion on whether or not there is any practical hope getting an urgency measure and how high that priority might be
 - That discussion would effect my decision
- **J. Lyou**
 - I think its going to depend on whether we get consensus today on our recommendation, but if we lack that consensus I don't think there's any way we'll get 2/3 majority in both houses – so it's unlikely that we get an urgency measure through
 - 3 issues brought up by the public:
 - Consequence of added 7 members, which would leave us with even number of members and voting issues may arise from that
 - Geographic designations (recommendation/requirement)
 - Racial requirement (legality of that or decision making process for the Secretary)
- **Carol Monahan (Counsel, California Environmental Protection Agency)**
 - There's a lot of work the Committee needs to do before voting at all (such as information gathering, analysis, etc.)
 - Racial makeup – I don't believe we can require a certain racial make-up of the group
 - In the selection of this committee, you can consider it, but not require it. It's not defensible
- **M. Dorsey**
 - On Escutia's bill now, how does the language read as far as adding additional members to the committee? That might help us in our discussion
- **J. Lyou**
 - Reads draft legislation – Escutia SB 1542
- **B. Wallerstein**
 - My understanding is that it (the proposal) is a Protocol Group recommendation
- **R. Harris**
 - Carol, does that also apply to the tribal – Indian tribes?

- **C. Monahan**
 - No, it's another political subdivision. It's not the same thing. It's like dealing with another country
- **C. Tuck**
 - I agree, if you're trying for urgency legislation, you definitely need consensus. It's likely you would need business support
 - If the environmental, community and business can come together on other bills, that can sell; but even on a regular piece of legislation, it's helpful to have business support in this area
- **D. Takvorian**
 - Sounds like we need to decide what composition we would like to use
 - We all agreed at the last meeting that the expansion of the committee was a good idea; and that's why the Protocol Group was charged with coming up with a recommendation
 - So, I assume we can have an action come out of today's meeting that expands the committee in one way or another
 - Two proposals have been put on the table:
 - Protocol Committee
 - Public (Dr. Clark)
 - So let's go ahead and have specific discussion around each of those proposal first; then go to action
 - What are the Protocol Committee proposal comments?
- **Public**
 - Also, would like to postpone vote today (is another option)
- **R. Harris**
 - I have no objection to the proposed Protocol Group recommendation; but I would like to know how the Secretary stands on the proposal that comes from the public?
- **R. Pascual**
 - We haven't had an opportunity to examine what the committee would look like outside of the Protocol Group's recommendation
- **C. Tuck**
 - I definitely would like to recommend a fourth proposal
 - In talking with my group, we agreed that a tribal group should definitely be added-
 - We can support the proposal by the Protocol Group if there were two additions to help balance that – the addition of one business person and one labor person (a labor organization that's involved with major building projects)- which would keep the balance that was intended in SB 89.
 - If that with the above recommendations went into legislation without any objectionable sections, we would be willing to support it at the Governor's office
- **D. Takvorian**
 - We now have four proposals:
 - 1st Protocol Committee recommendation
 - 2nd – Public (Dr. Clark)'s recommendation
 - 3rd – Postponement of Action
 - 4th – C. Tuck recommendation (revision of Protocol Committee recommendation)

- **J. Lyou**
 - I would like to tweak Dr. Clark's recommendation
 - It would be better to have an odd number of seats rather than an even number
 - Geographic requirement should be not included in legislation; it might put too many restraints on the appointment process
 - Based on the advice from counsel of this committee, I don't think we shouldn't include racial or ethnic requirements in terms of the composition
 - Pros – Lots of public support for Dr. Clark's proposal
 - Cons – Business and industry will fight this proposal in the Legislature
- **C. Porras**
 - For purposes of transparent communication with the public, we need to be as blunt as possible
 - Industry would want to have an additional biz person and labor person
 - I think the proposal with both ethnic and geographic diversity is a proposal that would have no chance of survival in the Legislature because of the potential lobby against that type of legislation
 - We don't need to lead with false expectations
 - However, it's a proposal worth while in mentioning
- **M. Dorsey**
 - My only concern with Dr. Clark's recommendation is with the number; the committee would get too huge and would not be able to function
 - So I would cut down the number down in the proposal; maybe add 3 or 4, instead of seven
 - I see a need for Northern California community representation
- **J. Kennedy**
 - I concur with some of the comments already made about how cumbersome the committee could become with too many additional seats
 - I view the Protocol Committee recommendation as a baseline minimum
 - I'm intrigued with Cindy proposal – however, the seat could be a business owner and member of the community
- **R. Pascual**
 - Cindy, in your proposal are you looking to add a large or small business?
- **C. Tuck**
 - A large business or an association of large businesses
 - The concerns that we've heard about have been focused on issues with large businesses
- **D. Allen**
 - There is a concern of managing this committee so we need to look at adding either 2 or 4 members to ensure a odd number is kept
 - We could look at Dr. Clark's proposal; there are 3 seats we could look at two additional seats one from northern and central, we already have southern representation
 - Maybe northern or central EJ group; and 1 tribal
- **Public**
 - What is the difference between community group and a environmental justice group?
- **D. Takvorian**
 - What is the definition of the EJ group and community group?
- **Public**
 - We're talking about groups that are formed to deal directly with communities of color and low income communities that have been impacted
 - They are organizations that have been and have been working in the communities for years

- **Dr. Clark**
 - When we're talking about African-Americans and environmental justice; there is an National Black Environmental Justice Network
 - We're talking about African-Americans people speaking for themselves
 - We understand there are other groups; but we want to speak for ourselves
- **D. Takvorian**
 - We need to define what that EJ category is
 - We need to get to composition, although Cindy's proposal doesn't
- **E. Agguire**
 - When the four of the people introduced themselves, they all became the environmental justice organizations
 - So, who is what? Who exactly are the environmental justice groups?
 - You introduced yourself as something that's not here (the Advisory Committee roster), then there's difficulty in understanding who they're representing
 - And, what does CUPA mean?
- **D. Takvorian**
 - There is a lot of cross over.
 - The way that the legislation was put together there was two community organizations and two environmental organizations; for both Eva and I, we both feel that both our organizations are environmental justice organizations and they are community-based
- **J. Lyou**
 - We fill the environmental category
- **C. Porras**
 - When we applied we thought that we would rather apply as an environmental organization because it allows for an additional community organization to participate
- **E. Dotson**
 - I hope we don't act silly here; the Assembly has 500 plus people, the Senate has 200 and they take care of business. You can do it.
 - We need to expand more 7 members; so please get off the numbers
- **M. Dorsey**
 - Just wanted to clarify as to what a CUPA is; there are two representatives for CUPA. A CUPA is a certified unified planning agency – the representatives here are myself, and Bill Jones
 - Our primary responsibility of the local agency is regulate the local enforcement within your communities, we regulate the hazardous waste materials, the underground storage tanks
- **L. Stone**
 - Mr. Dorsey, I'm glad you said that. I don't feel you have to be on this committee to do your job
 - I heard you say that there would be too many people here to get the job done, so somebody should be willing to give up their seat
 - Environmental justice draws attention to the inadequacy of the system
 - We run around all over the country, mostly at our own expense, when you don't have to
 - Trying to communicate with people who say they represent us and want to help us address our needs, yet when we bring these needs forward, we find them scratching their heads saying, "We don't know what we're going to do. It's too hard for us"
 - We are still called the public, which suggests to me that we are here to further your causes not ours
 - Until we have the right bodies to represent us then we will continue to see the monies used to further other people's agendas
 - Some of us are privileged and some have to deal with these things on a daily basis

- **J. Lyou**
 - On defining the EJ category; actually, none of the categories were defined specifically in legislation and so we can leave it up to the discretion of the Secretary to make that judgment as to who represents the environmental justice organization; so we can leave this needless debate
- **R. Pascual**
 - We had folks self-identify; with environmental justice we allowed folks to self-identify; that is the spirit of EJ
- **Dr. Clark**
 - Race is the fundamental issue of what we're dealing when we're talking about EJ
 - When the environmental justice movement first started, the monumental study on toxic waste and racism in the United States. Part of EPA's own study after the demonstration in Warren County, North Carolina. That spearheaded the EJ movement as well as the adoption of the principles of environmental justice –adopted at the very first People of Color Leadership summit in Washington, D.C. in 1991
 - The environmental justice movement was formed to fight racial discrimination because it was found that the race was a major factor in disproportionately impacted communities
 - When you're talking about EJ and you're not considering race; then, you're not talking about environmental justice
- **J. Lyou**
 - I think there's a limit on what we can do legally
 - There's a difference on what we can recommend to the Secretary for example the Secretary should ensure diversity on this committee and that we believe that African-American representation from community based environmental justice organizations is lacking in the committee now and what we can recommend in terms of specific legislation which we believe is not legal as far as designating race
- **Dr. Clark**
 - What you need to understand is this here;
 - I understand about what your saying about the hardship of the legislation and all that other stuff but the fact is, the State of California has incorporated environmental justice into the law
 - They should have known what environmental justice was all about when they did that; so, all those excuses that I'm hearing you talking about, what you need to do is make a recommendation in the spirit of what environmental justice is all about
 - And let the Legislature know and let the government know what real environmental justice is all about;
- **K. Lloyd**
 - When, eleven years ago when the environmental justice movement began, how many of the 13-committee members where apart of that movement?
 - The composition of this committee was in error
 - We think two Native seats should be available; so, what is the problem in asking for an African-American?
 - So, you don't want to talk about race but then you do want to talk about race? I don't understand
- **R. Pascual**
 - In legislation adding a racial component in the actual language of legislation may in fact may not be legal given the certain parameters that California has
 - It doesn't necessarily mean that as a suggestion from the committee for the consideration of who gets selected on this committee that you can make that kind of recommendation to the Secretary

- **D. Takvorian**
 - I'm assuming that this is legal. So we could say that the members should be members that come from communities that are disproportionately impacted and those are communities of color, is that a problem?
- **C. Monahan**
 - I don't think it's a problem to say that you're trying to target the disproportionately impacted communities; it's already that text in legislation. That legislation talks about low-income and people of color
- **D. Takvorian**
 - I'm stepping out of the chair for a minute: What Dr. Clark said is pretty critical; we're starting from a pretty weak basis in the legislation
 - The policy is that we're conducting our programs, policies, activities in a fair manner
 - It's inaccurate not to talk about minority populations
 - We're trying to fix the composition of the committee
 - We have to systems in this the committee that are based on faulty assumptions in the legislation which were compromised and none of us are not wholly responsible although some of us may have supported it or not
 - We're trying to have the best composition; but it may not satisfy all of us
 - I would like to come to some to consensus or a decision
- **R. Harris**
 - I think the recommendation from the protocol committee is fine but heard additional evidence to suggest that the is a compelling argument that suggests:
 - 2 EJ seats
 - 1 business seat
 - 1 tribal seat
 - Total of 17 Committee members
- **D. Takvorian**
 - Robert has moved the motion:
 - Addition of EJ category – 2 seats
 - One business seat – large or small?
 - 1 tribal seats
 - Total of 4 additional seats and 17 total Advisory Committee members
 - B. Lee seconds the motion
 - This has been moved; is there discussion?
- **R. Pascual**
 - I would like to discuss whether the added business seat would be large or small
- **C. Porras**
 - I think it would be worthwhile to move on the recommendation from the public and vote on it and acknowledge it; whether it succeeds or fails
 - So, they can see a vote on their proposal
- **D. Takvorian**
 - I need to hold on that and act on the first one
 - Are you suggesting that Robert hold or defer to complete that request
- **C. Porras**
 - Yes, I think that's the most contentious proposal there is. So yes, I propose that we move on the public's proposal
- **R. Harris**
 - It would take a substitute motion which would take my proposal off the floor
 - In the event that the substitute motion passes then that ends the story
 - In the event that that substitute motion fails, then it automatically goes back to my motion

- **C. Porras**
 - I would make that substitute motion
 - That proposal is:
 - 7 additional members:
 - Adding labor
- **D. Takvorian**
 - We are operating by Robert's rule of order
 - We have a motion on the floor from Robert
 - And we have a substitute motion from Carlos
 - 3 seats - Creation of EJ category -urban, central and northern CA
 - 2 rural
 - 1 labor
 - 2 Tribal = with 8 added and total of 21 seats
 - Joe seconds
 - Vote:
 - Ayes: 3 (J. Lyou, D. Takvorian, C. Porras)
 - Opposed: 8
 - Abstain: 1 (E. Vasquez-Camacho)
 - That motion fails for not getting enough votes
 - So now, Mr. Harris' motion goes on the floor:
 - 2 community seats – creation of EJ category
 - 1 business seat, a large business or an association accepting a large business
 - 1 tribal
- **D. Takvorian** – do you want the proposal to have a specific geographic requirement?
- **R. Harris** - No
- **C. Tuck** – suggest that the member be a large business or an association
- **E. Agguire** – what's the definition of a large business?
- **C. Tuck** – There no set definition
- **B. Wallerstein** –
 - I want to know from Robert whether PG & E would lobby in favor of this legislation if this motion passes
 - I would hope that we would send a communication to the Secretary that in terms of appointing EJ members to this committee that it is very important from our perspective that there also be at least one representative from the African-American community, that works actively in the arena of environmental justice
- **R. Harris** – I do all within my power to ensure that this passes. I would hope that CCEEB would support me.
- **J. Lyou** -
 - I'm uncomfortable of adding a large business to the committee
 - I would prefer to add a small business
 - Cynthia McClain-Hill, who is not here, represents a lot of large businesses in her practice as do a number of members on this panel
 -
- **E. Vasquez-Camacho**– I agree with Joe, I'm uncomfortable with adding a large and would prefer a small business
- **B. Wallerstein** – I could go either way, large or small. I would like to see that a business that is progressive in the EJ movement
- **E. Vasquez-Camacho** – I agree with Barry. We should add in our recommendation at least one member of the African-American representative that is active in environmental justice issues
- **C. Porras**
 - Let's restate the motion

- **R. Pascual**
 - Robert's proposal:
 - 1 tribal
 - Creation of an environmental justice slot – 2 members
 - 1 business– large or small biz representation
 - 4 additional committee members
 - 17 total members
- **C. Monahan**
 - Tribal should be a separate category because it's a sovereign nation; it should be kept separate; as well as the EJ and labor categories
- **M. Dorsey**– Perhaps a small business association with a EJ track record could be an option
- **D. Takvorian** – Mr. Harris indicated that there is no geographic representation stated
- **R. Pascual** – In legislation there wouldn't be language stated for at least one African-American; however in the recommendation to the Secretary it would state that at least one representative be one African-American environmental justice from northern California be made
- **D. Clark**
 - That one seat sounds like tokenism
- **D. Takvorian**
 - I understood the rationale why there couldn't be racial designation, but not geographic
- **C. Monahan** – there isn't for geographic? But we should let the Secretary make the final call
- **D. Takvorian** – There isn't any legal ramifications, but Robert you chose not to do it
- **R. Harris**– If you want it there then, that's okay but I want it to pass, and Sacramento is a very political place
- **R. Pascual** – I think we should talk about expanding the committee but the communication to the Secretary would be a separate discussion
- **D. Takvorian** – I don't think we're writing legislation here so I don't think we need to be worried here
- **B. Wallerstein**– I disagree with the Chair; when I asked Robert if PG&E would support; that is the basis of my vote
- **D. Takvorian** – I'm going to oppose the motion because of what we've heard public comment that recognizes geographic representation; I feel that the business committee is adequately represented; tribal needs to be addressed; but I know we need to do the right thing
- **E. Vasquez-Camacho**– What would be an alternative, Diane?
- **D. Takvorian** – A minimum of 2 or 3 with northern California and 1 tribal representative
- **J. Lyou** – I need clarification, I am opposed to the proposal, I need clarification as to whether it's a large or small business
- **R. Harris** – Small business association
- **D. Takvorian** – Motion by Robert; Second by Barbara;
 - Robert's proposal:
 - 1 tribal
 - Creation of an environmental justice slot – 2 members
 - 1 business– person from a small business association
 - 4 additional committee members
 - 17 total members
 - Yes: 8
 - No: 3
 - Abstain: 1
 - 4 new members with a total of 17
- **D. Takvorian** – Suggest we take a break and we'll talk about it later. BREAK

LUNCH Break

Advisory Committee on Environmental Justice Meeting ~ June 17, 2002

- **D. Takvorian**
 - We've asked the staff to draft a letter that conveys the expansion of the composition of the meeting, striving for geographic diversity, and African-American representation and that the small business community be progressive in EJ
- **B. Wallerstein**
 - One more thing so we're clear, that the new individuals be seated at the next meeting
- **D. Takvorian**
 - We want them to be seated as soon as possible
- **J. Lyou** – Let's recommend the next meeting
- **D. Allen** – We would hope that the staff get it done by the next meeting
- **Public** – Do you have anything in writing that defines an EJ community?
- **R. Pascual** – We'll go ahead and recognize the criteria, the next meeting will be next September
- **D. Takvorian** – We did add an EJ category
- **R. Pascual** – Do we add a definition of that category or do they self define?
 - We will have the communities define themselves as an environmental justice organization
- **D. Takvorian** – Motion to make passes
- **Dr. Clark** – The members of the EJ caucus will be forwarding our recommendation to the Secretary as well
- **B. Wallerstein**
 - There should be a conversation with the Senator's office to suggest the urgency of this matter to get an urgency bill in order to get the new members on board ASAP;
 - I think we should get this matter dealt with quickly;
 - Cal/EPA has to go through a lot of hoops to go through
- **B. Lee** – Could we get a delegation of this body to go forward and propose this;
 - I think it's incumbent on us to get them (the new members) full status
- **D. Takvorian** -Perhaps you need a motion for the urgency of the matter and how it will happen
 - – I don't think we have a consensus on the urgency of the matter
- **B. Lee** – I second; let's see if we have urgency
- **D. Takvorian**
 - Yes: 9; No:0 Abstain: 3 (D. Takvorian, J. Lyou, C. Tuck)
 - That's not consensus; we don't have consensus on composition; or urgency of the matter
- **B. Wallerstein** – I think it is an important distinction; I would hope we would try to build some type of consensus in helping move legislation
- **Public**- Robert's rule of order requires a consensus
- **B. Lee** –
 - I think the point Barry was trying to make; in moving legislation, if we have consensus recommendation then that carries a considerable amount of weight versus having a majority vote;
 - if we can hear through some of the concerns in order to build consensus then I think we need to do that
- **C. Monahan** – Any minority opinion of the committee should be recorded in the written recommendation; I think it could be part of the recommendation the specifics of the minority opinion
- **D. Takvorian** – That would require that we go back to that motion and amend it.
- **R. Harris**- The vote of the urgency motion was 9 yes to 3 abstain... so it's 9-0; it's unanimous
- **C. Porras** –
 - My comment comes from my lack of understanding to the urgency motion; I would like to hear some rationale of why not pursue an urgency bill;
 - I would like to hear the negatives are in requesting an urgency matter; we do want people with voting authority and quickest way to make that happen is through an urgency vehicle
- **B. Lee** – Is there any reason why, if we pursue an urgency bill why we couldn't maintain the current bill as well, in case the urgency bill failed? So we could have back up?

- **R. Harris** – If the urgency doesn't pass, doesn't it go back through the normal course?
- **C. Monahan** – If you have more than one bill go through that's okay but you need consistency as to the outcome
- **C. Tuck-**
 - The reason why I abstained is because I need to go back and communicate with my organization.
 - I want to back to my organization and ensure that we could either remain neutral or be in support of this legislation; I can get back fairly soon to Romel to ensure what that's the case
 - We'll get back as soon as possible
- **D. Takvorian** –
 - I abstained is because the thought that this being a consensus – I didn't agree with the don't agree with the committee. I don't support it because I don't support this composition, because I don't feel it supports the community
- **B. Wallerstein** – If I'm going to see the Senator then I need to be clear on whether either of you plan to lobby against the bill
- **D. Takvorian** – I need to think about what Carol mentioned about the minority report. I don't know whether me or my organization would lobby against it.
- **J. Lyou**– Those are my reasons too. I probably wouldn't lobby against it. I would have to think about it; I wouldn't lobby against the decision of the committee; I would probably be neutral
- **B. Wallerstein** – I'm trying to get them (additional members) on the committee; the term tokenism bothers me and not being able to vote, bothers me
- **D. Takvorian** – I don't think it's a good idea to support a composition to lobby that I didn't support in the first place
- **R. Pascual** – There is something Barry mentioned about getting a delegation together to lobby in support of it
- **B. Lee** – Barry would like to let the dust settle first to see whether or not CCEEB or the Environmental Health Coalition will lobby against the bill.
- **D. Takvorian** – No one's proposing that an action be taken today
- **B. Wallerstein** – I would encourage the three of you to talk with the opposition in favor because we want someone to sit here the next time
- **D. Takvorian** – We are asking people to be sitting here
- **D. Allen** – We're going to try to set some ground rules; 45 min public comment period; and then committee discussion; we would like to get out of here on time
- **R. Pascual** – The next topic – EJ strategy elements

Agenda Item #2 – Proposal of Environmental Justice Strategic Elements – Priority Setting

Advisory Committee Consideration of Environmental Justice Strategic Elements - Priority Setting
A proposal from Protocol Group (Co-Chairs and DSO) for full Committee discussion.

Distributed Background Information on Agenda Item #2

- At May 17th & 18th, 2002, meetings the Advisory Committee and Interagency Working Group (Working Group) heard concerns and issues to incorporate into the environmental justice strategic elements
- Based on public comments heard, the Interagency Working Group and Advisory Committee tasked the Protocol Group (Advisory Committee Co-Chairs & Designated State Officer) to develop a proposal of the Cal/EPA's Interagency Environmental Justice Strategy Elements (EJ Strategy Elements) for full Committee discussion at the June 17, 2002 meeting.
- The Protocol Group conducted a conference call on May 22 and May 30, 2002, to draft a proposal for full Advisory Committee discussion.

(continued) Distributed Background Information on Agenda Item #2

- On June 17th, 2002, Cal/EPA Advisory Committee on Environmental Justice meeting in Oakland, the Advisory Committee will discuss, make recommendations and submit a final proposal to expand the Advisory Committee to the Secretary of Cal/EPA

Purpose of the EJ Strategy Elements

The proposal of the EJ Strategy Elements attempts to capture a broad scope of topic areas into the developing Cal/EPA Interagency Environmental Justice Strategy. The EJ Strategy Elements will function as a framework for the direction of Cal/EPA in environmental justice.

The Cal/EPA will seek public input on what should be incorporated into the EJ Strategy Elements through a series of public workshops throughout the State. The intent of the public workshops is to capture specific community and geographic issues and concerns to incorporate into the Cal/EPA's Interagency Environmental Justice Strategy. Upon completion of the last public workshop, the Cal/EPA will draft its Interagency Environmental Justice Strategy.

See next page for Draft EJ Strategy Elements

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Draft Cal/EPA Interagency Environmental Justice Strategy Elements

(For Advisory Committee Discussion on June 17, 2002)

- 1) **Public Participation and Community Involvement**
 - a. Accessibility to the Process, Information, and Decision-Making
 - b. Community Capacity Building
- 2) **Research and Data Collection**
 - a. Identification of Research and Data Collection Gaps
 - b. Cumulative Impact Assessments
 - c. Risk Assessment Alternatives
 - d. Pollution Prevention
- 3) **Permitting – Multi-Media Permitting**
 - a. Existing Facilities
 - b. New Facilities
 - c. Land use and Zoning
- 4) **Enforcement**
 - a. Enforcement Targeting in Impacted Communities (EJ Areas)
 - b. Fees and Violations (e.g. Repeat Offenders Strategy)
 - c. Facility Compliance with existing environmental laws and regulations
 - d. Alternative and Creative use of existing laws and regulations to achieve environmental justice
 - e. Accountability for local environmental agencies which implement Cal/EPA enforcement efforts
- 5) **Clean-up Standards**
 - a. Examination of alternative mitigation procedures and technology
- 6) **Government Coordination & Accountability**
 - a. Process for engaging with Government entities on environmental justice outside of Cal/EPA (e.g. Federal Facilities -military base closure and clean-up; other state agencies; and Local Agencies - land use and siting)
 - b. Examination of Processes for Public Complaint Resolution Protocols within Cal/EPA
- 7) **Identification of Regulatory Gaps & Development of New Laws**
 - a. Review of precautionary principle model as basis for all standards
- 8) **Cultural Impact of Environmental Decision-Making**
 - a. Natural Resources Consumption
 - b. Sacred Sites
 - c. Sovereign relationship with State

Staff Presentation of Agenda Item #2: **Proposal of Environmental Justice Strategy Elements**

- **R. Pascual (Cal/EPA) –**
 - Cal/EPA is mandated to develop a strategy
 - We anticipate that the Strategy will:
 - Ensure the integration of EJ into Cal/EPA's programs, policies and activities;
 - Provide overall direction for Cal/EPA and its Boards, Departments, and Office (BDO) toward achievement of EJ; and
 - Be meaningful and encourages effective delivery of environmental justice

Proposed Process of Development for the Environmental Justice Strategy

- June 2002: EJ Advisory Committee identifies key Elements of an EJ Strategy
- July/early August 2002: Conduct Public Workshops on the EJ Strategy
- Mid August 2002: Complete 1st Draft of EJ Strategy – Distribute for Public Review
- Late Sept/Oct 2002: Meeting: EJ Advisory Committee – Discussion on Draft Strategy
- Oct. 2002: Complete 2nd Draft of EJ Strategy – Distribute for Public Review
- Jan. 2003: Meeting: EJ Advisory Committee and Interagency Working Group – Final Review of EJ Strategy

Discussion - Agenda Item #2

- **J. Lyou-**
 - Can you explain to me the relationship between the strategy elements and the draft mission statement and program elements?
- **R. Pascual-**
 - We will be looking at the draft mission statement
 - The program elements need to be consistent with the strategy;
 - We will not be defining the program elements until we get the strategy elements through
- **J. Lyou–**
 - When can we consider the amendments to the draft mission statement?
- **R. Pascual-** At anytime
- **M. Dorsey –**
 - I don't see anything on how Cal/EPA defines where an EJ community might be;
 - How are you going to identify which environmental justice communities to apply the strategy and resources to?
- **R. Pascual-**
 - That could part of the strategy as part of the EJ strategy analysis - What are the demographics? What are the thresholds?
- **B. Wallerstein –** The handout we were given goes into detail under each of the elements
 - Are you planning to go through that in your presentation?
- **R. Pascual –** Yes. The intent of the details is to provide more direction as to what we mean in the broader elements
 - Based on the public comments in Los Angeles, the Protocol Group tried to draft some broad recommendations as to what those elements would look like.
 - The Protocol Group developed the draft elements for discussion
- **D. Allen –** We looked at what we were charged do as a first item of discussion

- **C. Tuck** – We suggest using the words “Intra-agency or agency-wide” strategy to be consistent with the statute
- **C. Monahan** – The OPR is planning to use some of the materials here
- **E. Vasquez-Camacho** – The Department of Health should be tied into this strategy

Public Comment – Agenda Item #2

- **L. Stone**
 - I would have hoped to have had the minutes (of the previous meeting) before this meeting
 - On the element page, instead of “minority populations” (don’t like) instead of “communities of color” (better)
- **R. Pascual**
 - There are elements of the strategy that are outlined in legislation
- **L. Stone**
 - The (EJ) definition is really very general
- **D. Takvorian**
 - We deferred the discussion about the mission statement
 - The protocol groups tried to incorporate all the suggestions into a draft
- **R. Pascual**
 - We have the public comments from the last meeting (May 17&18)
 - The turn around time is short
 - If we miss something, please let me know and we’ll take care of it
- **J. Lyou**
 - Those comments are in draft form and we’ll be accepting revisions too
- **Dr. Clark**
 - Under public participation, it seems to me as though we should state a “meaningful” public participation
 - We don’t want to be used as a rubber stamp; When we come to meetings we want to be heard;
 - Historically the process of meaningful public participation is listening to what the public is saying and having actions taken on what we say
 - Research and data collection – the key elements is the identification of communities that have been disproportionately impacted throughout the state;
 - The info is already there; there shouldn’t be any effort to delay this effort; where there are communities of color
 - Permitting – on the land use and zoning issue; these facilities are in our communities because of land use and zoning decisions – it can’t continue to exist as is
 - Enforcement – Criminal charges should be a category; the enforcement structure is not adequate; because the companies know all they have to do is pay a fine;
 - Fines and penalties need to be looked at; because what historically happens is that the fines and penalties are somehow levied back to the companies and it needs to be back to the community;
 - The Precautionary Principle; we really need to develop that; the problems our communities have faced is the consideration of the agency not taking into account that people are sick and have exposure that are fatal
 - Whoever pays the scientist gets the outcome of whoever pays for the study; we need to encourage precaution
 - In terms of you implementing the EJ strategy; I don’t buy the argument that we aren’t going to get meaningful results
 - I do expect some difference. I will hold you accountable
- **J. Lyou** – The issue of identifying the community, it may be detrimental to identify them-
 - Will Identifying communities of color as EJ communities be good or bad?

- **Dr. Clark**
 - We want to address the issues of EJ in our communities and we want our communities to develop
 - Would having a label would be a problem? If you are trying to address cleaning up a process or addressing it, you need to understand the communities your dealing with
 - For planning purposes, you need to have the maps and you need to have the information
- **E. Agguire**
 - Would it be possible to have community meetings in the communities?
 - Section D. - Should be multi-lingual
 - Should have a schedule of meetings; so people don't always have to come the previous meeting to find out when the next meeting is
 - Enforcement – Do we have a definition of EJ areas?
 - What are the problems I have in section B number 4, the agencies will fine the company and they keep the money and it doesn't come back to the community – that money should go back to the community
 - Number of polluting sites in a community – we have state identified superfunds; we also have 2 federal superfunds; we have the only processing plant in the community; we have a couple of Brownfields in the community
 - We do have a lot of pollution and liquor stores in Bayview Hunters Point; we have Identified the pollution sites; and a lot of citizens have educated themselves
 - Four years ago, the real estate in Bayview Hunters Point was the cheapest in San Francisco; but the dot comers found us;
 - Within the year the real estate shot up; we have more Asian and Pacific-Islanders; when I first moved there was 65% African-American now it's 35% African-American
 - The Robert's Rule of Order – when you abstain that means you don't vote yes or no, I'm still trying to understand your rules of order
- **L. Stone**
 - Federal facilities that are Superfund sites
 - We find that the military are the leads and are telling the state what to do;
 - These communities are being overpowered by military
 - Congressman Farr stated there was 3 million dollars that went back to the State
 - The Superfund only goes to help government and contractors and leaves out the impacted communities
 - There is such anger at this process; prevent all these bad contractors from coming into the state
- **B. Shamasunder**
 - Data should be based on sensitive populations; that should be the baseline
 - For criminal enforcement – clean-up standards, should be based on cumulative impact standards
 - Agencies really need to have a coordinated effort – maybe have a person in contact with all the agencies
 - Precautionary Principle should be the fallback principle
- **E. Dotson**
 - We are opposed to them (UC Berkeley) bringing in incubator program; Cal/EPA knows

Advisory Committee Discussion – Agenda Item #2

- **D. Allen**
 - Would like to thank the public
 - We have about 40 minutes to deliberate

▪ **J. Lyou**

- I took some time to draft up some comments; most of my comments are minor;
- It's important that the assessment of cumulative impacts, looking at ARB process in terms of emissions exposure; It belongs under not only in research & data collection, but permitting and enforcement and standards; I would pull out cumulative impacts into a separate study
- Risk assessments, and alternatives to pollution prevention I think belong under identification of regulatory gaps but gaps in programs, policies, and activities which includes regulation and development of new policies, regulations, and laws
- Risk assessment alternatives is not only a data collection issue, neither is pollution prevention; it falls better under gaps Cal/EPA faces
- Clean-up standards could fall under gaps too

▪ **C. Tuck**

- In the statute that Senator Alarcón passed last year, SB 828, one of the last provisions in that is a future step that's going to follow after the strategy is developed
- And the future step is that each BDO will review its programs for any gaps that may impede the progress of EJ
- The reason this strategy is in the statute, the purpose of the strategy is to address the gaps that may impede the progress of EJ; so the strategy is to develop a systematic approach to how that will be done

▪ **B. Wallerstein**

- I was struck by a number of the comments from the public
- A good word to add is "meaningful" public participation
- We should add adequate representation of impacted groups on applicable working groups and committees
- We seek appropriate composition
- All of us could do a better job of holding meetings in the impacted neighborhoods
- Element 2 from the public on the research & data collection gaps "including the identification of impacted communities and information to sensitive populations
- As we look at the issue of gaps, that there be a clear intent to focus to help us identify which communities are impacted
- Barrio Logan is a good example
- Under the permitting and multi-media permitting, 3 c, there should be a comma, and should be land-use & zoning, including sensitive receptor provisions
- I'm very concerned about how we handle sensitive receptors
- Under Four b – fees and violations, there should be some sort of insertion something to the effects as, "fees and violations that serve as a deterrence to non-compliance, including criminal prosecution as appropriate."
- The whole point about fees and violations is that it be a deterrent
- Four e, we left out the state; should be state and local accountability
- I would add an F (to Four) targeting the fines and penalties towards impacted communities
- Joe moved clean-up standards into his new 6
- And there's another topic that came up; fair and equitable levels of mitigation among communities fully utilizing available technologies
- There is clearly public concern that the level of mitigation between agencies differ among communities
- 2c risk assessment alternatives, frankly I'm not sure what we're thinking here
- Multi-media permitting – what does that mean? Does that mean that Cal/EPA becomes the master-permitting czar for all environmental activities?

▪ **R. Pascual** – We need to look at permitting in all aspects of our programs

- Permitting multi-media assessment

- **B. Wallerstein**
 - Under enforcement, we have EJ areas, that means a lot of different things to a lot of different people
 - There needs to be great care in how's that's handled
 - Four c what the though there? Is the thought that we need to enhance our compliance assurance programs?
- **R. Pascual**– The intent there is that are already existing laws on the books
 - We need to ensure the compliance of existing laws and regulations
- **B. Wallerstein**
 - I think the key issue is that it's just a level of resources. Do we have adequate resources to ensure ongoing compliance?
 - In reference to the Precautionary Principle – Cal/EPA needs to apply some definition to the principle and how to implement this principle
- **M. Dorsey**
 - I want to reiterate what Dr. Clark stated; in regards to the identification of the communities that have been disproportionately impacted – they may not want to have that label but Cal/EPA is going to have to identify those communities and we will have to do a similar process
 - Cal/EPA is going to have to identify these communities
 - Community meetings (Barrio Logan) should be based in their own communities such as a future school auditorium
- **C. Tuck**
 - We think there are constraints with EJ labeling that we've heard from labor organizations
 - OCertainty for stakeholders, it's important to know what the rules are; it's important to have certainty
 - With public participation, the notion of adding “meaning” we would like to hear more about what's thought there with
- **R. Pascual**-
 - At the heart of EJ is that people have resources and information
 - Community capacity building
- **C. Tuck**
 - How do you decide if there is an EJ problem or not? And how do you address those problems?
 - There are concerns with labeling in areas; we've heard concerns from labor and real estate industry and some community groups –avoid using a negative label
 - We would suggest adding as an element – certainty for stakeholders
 - It's important for the business community to know what are the rules are; that there's rule 1, 2, 3 and if they comply with rule 1,2, 3, then you're going to be okay;
 - And it's important for the community to know the rules so they know when someone is not complying with the rules; so it's important to have certainty
 - Number one, adding the word “meaningful” is a good suggestion
 - Question: inclusion of community capacity building – what is thought there?
- **R. Pascual**
 - It's important to ensure the community has the resources (technical assistance, grants, information) – that's capacity building
- **C. Tuck**
 - Research and data collection – it's a fundamental part of all this, how do you know there's a problem?
 - Permitting – providing info to land use agencies is important
 - But it's important to provide information to them so include land-use in this heading or something like providing the info to local land-use agencies

▪ **C. Tuck**

- It's important that we address in a programmatic basis and so we can address it by program and the program will translate into permits
- Enforcement - SB 115 requires Cal/EPA to have fair enforcement – we would say there should be fair enforcement and focus on areas where there are significant violations, target bad actors
- We aren't sure why fees not penalties (meant to say penalties)?
- In Statutes, it is very specific on how we address repeat offenders
- There is a concern about the application of the Precautionary Principle – because it's an undefined term – we don't know what that means in terms of Cal/EPA standards;
- It's presumptuous that we're going to review the Precautionary Principle when the BDOs haven't identified a gap there – we saw the precautionary principle listing as premature
- We don't hear any discussion about criteria –how is the State going to find gaps?

▪ **C. Porras**

- Data gaps and need for information –alternatives to risk assessments; and comments regarding the precautionary principle
- What's been left out is information regarding community health – specific health indicators in, what possible alternatives might be necessary during the permitting process – might be applying the precautionary principle
- Health indicators should be included
- I'm hearing the same debate that went on at the national level – what is a community of color; what is an EJ community – we can't get bogged down in definitions
- We're trying to move the strategies along – encourage the spirit of EJ
- Repeat offenders - the parameters in which an agency deals with repeat offenders is too broad
- Should be a baseline to address those repeat offenders – we need to look at the repeat offender parameters

▪ **E. Vasquez-Camacho**

- To make the public participation “meaningful”, you need capacity building (e.g., language, ability to understand technicality)
- Adequate representation of adverse or disproportionately impacted communities, should be perfectly clear
- I agree with Carlos that we can't get bogged down with definitions but we need to have some minimum criteria –establish criteria under research and data collection

▪ **B. Jones**

- We need to be as clear as possible
- Clean-up standards we might want to keep that as a issue
- Risk assessment, clean-up, and government coordination has to do with the site mitigation aspect
- Fee and violations should be fines and penalties
- We do look at consistency in enforcement
- We need to ensure that we are consistent in enforcements
- Brownfield's – how quickly do these clean up occur? What come be done to quicken the pace

▪ **D. Takvorian**

- We need to be clear in these categories but not prescriptive; the idea was we would be offering ideas to the public so the public can offer their ideas as to what to do
- So maybe we need to do is attach some questions so it will help when we're out there
- There are descriptions of the precautionary principle – and we need to be clear as a way to developing policy and we don't have a prescribed way on how to apply it
- The same with risk assessment alternatives

- **B. Jones**
 - Wasn't quite sure where pollution prevention fit in;
 - Secondly, alternatives to mitigation I don't understand what we're saying there
- **J. Lyou**
 - Pollution prevention has been a central theme as it's a efficient way is resolving EJ issues
- **D. Allen**
 - There is a role of how pollution prevention plays
 - How do we address it?
- **C. Tuck** – four, d - What does “alternative and creative use of existing laws and regulations to achieve environmental justice” mean?
- **B. Wallerstein** – I presume it means that I can go one path and I can go another path
- **C. Monahan**- Review of existing law, for example CEQA; find ways that we can use current statutes in creative ways
- **B. Wallerstein**
 - Annual renewal permit process
- **C. Porras**
 - Look at existing statutes
 - Pollution prevention
- **B. Jones**
 - We should recognize other groups in terms of who is doing pollution prevention
- **M. Dorsey**
 - If we want to add pollution prevention then we need to bring down some of the barriers and look at the strategy of pollution prevention
- **J. Lyou**
 - Wanted to figure out where we go from here in terms of process
 - How do we get it out in terms of process
- **D. Allen**
 - We heard lots of process
 - Precautionary principle, is it premature; and
 - Ask that committee members to respond to Romel at a certain time so we can get out a revised strategy
- **R. Pascual**
 - We'll get it out by Monday or Tuesday of next week for comments
 - Please put your email address
 - The Saturday after the fourth – or pushing it back to like the 7/13
 - We'll post it on the web and we'll mail it out
- **C. Tuck** –Suggested adding the category of: Certainty for all stakeholders
 - Precautionary principle as a example
- **R. Pascual** – There are other elements as well
 - We will draft one draft that incorporates both committee, and public comments and we will finalize the comments
 - We will prepare a master calendar
 - Ex-officio members by next meeting

Meeting Adjourn

June 17 - Summary of Advisory Committee Action:

1) Motion To Expand The Committee By Adding The Following Categories And Members:

(8-in favor; 3 opposed; 1 abstention)

A majority of the Advisory Committee members agreed on the motion to expand the Advisory Committee by adding (4) additional members as follows:

- a) Creation of new Environmental Justice Organization category comprised of two (2) representatives
- b) Adding Small Business Association subcategory with one (1) representative to the existing Business Category
- c) Creation of one (1) Tribal category with one (1) representative

2) Motion To Recommend Specific Criteria For Selection Of New Members To The Secretary

(12-in favor; 0-opposed; 0-abstention)

The committee members agreed to send the Secretary a memo outlining their support for the expansion of the committee. The memo would:

- Advise the Secretary to use the former appointment process
- Consider geographic diversity (in particular) appointment of an African American community representative from Northern California
- Suggest that the small business association representative should have extensive environmental justice experience.
- The members also wanted to communicate in the memo that they would like the new members to sit on the committee at the next Advisory Committee meeting (late September).

3) Motion To Explore Urgency Bill As A Vehicle To Expand Advisory Committee

(9-in favor; 3-abstention)

The following follow-up actions were recommended by the Advisory Committee by the next meeting of the Advisory Committee:

- 1) Make EJ Strategy Elements more clear but not prescriptive. Developing questions to pose to public about the individual elements was another suggestion
- 2) Discussion of the EJ Mission Statement as agenda item for the next Advisory Committee meeting
- 3) Presence of ex-officio members at the next Advisory Committee meeting
- 4) Finalize minutes from the May 17 & 18 Meetings in Los Angeles
- 5) Develop a master calendar for upcoming Advisory Committee meetings and workshops

END MEETING NOTES